

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 30 April 208 has been entered.

Response to Amendment

All pending claims 48-52 were examined in this non-final office action. Claims 1-47 were previously canceled.

Response to Arguments

An interview was held with Mr. Mark Pratt, #45,794 on 15 July 2008 to seek clarification on claims 48-52. Agreement was reached that claims 48-52 pertain to the second embodiment disclosed by the instant specification. It was concluded by both parties that for reasons cited below, the claims could not be examined on the merits of the claimed subject matter. Subsequent to the telephone interview, the Examiner is noting claim 52 may be subject to

restriction. All pending claims must represent the same embodiment and a single invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 48-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears Applicants are claiming the second embodiment of the instant specification yet are using terminology of the first embodiment. Specific to method claim 51, claim elements have been partitioned according to devices thereby losing continuity in method flow making the claim impractical to examine. Applicants are claiming various content (e.g. a content, specifying a content) which appear to be different content lacking clear antecedent basis. Applicants are claiming circulated and un-circulated content. While the instant specification discusses circulated content, un-circulated content is lacking support in the instant specification. Applicants' disclose purchased and non-purchased content, both in secondary circulation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
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